

# THE BOARD'S BULLETIN

ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS | 2012

## Board Members

**W. Gerald Wilbanks, PE**  
Chair  
Trussville

**C. Michael Arnold, PLS**  
Vice Chair  
Daphne

**Daniel S. Turner, PE**  
Secretary  
Tuscaloosa

**Earl R. Foust, PE**  
Member  
Birmingham

**Phillip E. Santora, PLS/PE**  
Member  
Dothan

**Marc S. Barter, PE**  
Member  
Mobile

**Charles P. Willis, PE**  
Member  
Brookwood

**Executive Director**  
Regina A. Dinger

## Inside This Issue

<b>Chair's Corner</b>	2
<b>Board News</b>	
New Board Officers Announced	3
Electronic Communication Encouraged	4
Citizenship Declaration	4
Board Opinions	5
Remote Supervision	6
Administrative Code Revisions	8
Top Ten Mistakes	9
<b>Renewal Corner</b>	
2012 CPC Audit Information	10
Individual License & Certificate of Authorization Renewal	10
Request for Receipts	10
Social Security Numbers	10
Printing of Renewal Receipt	10
Continuing Education Activity Log	10
<b>Exam Corner</b>	
Computer-Based Testing Update	11
On Campus FE Registration	11
NCEES Exam Registration Instructions	12
New Procedures for Exam Fees	12
October 2011 & April 2012 Exam Pass Rates	13
Alabama PE Exam Pass Rates By Discipline	13
State Specific Land Surveying Exam Update	14
<b>Enforcement</b>	
FY 2011-12 Statistics	15
No Action Taken	15
Informal Enforcement Action	16
Formal Enforcement Action	17
<b>In Memoriam</b>	20
<b>Board Contact Information</b>	21

## From the Board Chair

The Alabama Board of Licensure for Professional Engineers and Land Surveyors (BOL) continues to focus on the protection of the health, safety and welfare of the public. As a licensee, you are the primary factor in the success of this undertaking and how engineering and surveying are perceived as professions. The state laws and the administrative codes guide our work as a board and all professional engineers and land surveyors should be familiar with these codes and statutes, which are accessible on the web site, [www.bels.alabama.gov](http://www.bels.alabama.gov). I encourage you to visit the site and take advantage of the information that is available to all professional engineer and land surveyor licensees.



W. Gerald Wilbanks, PE

We are happy to welcome two new additions to the Alabama Board this summer. They are Mr. Marc S. Barter, PE and Mr. Charles P. Willis, PE, who came on board in May of this year. Both of these men bring outstanding experience and professional credentials to our team, and I look forward to working with them in advancing our professions and the license activities.

At the same time, we have said goodbye to two gentlemen, who have meant so much to the BOL for several years. The service terms for Mr. Don T. Arkle, PE, and Mr. William C. Ulrich, PE, have expired and these two will certainly be missed as outstanding contributors to the board deliberations. It has been my personal privilege and distinct pleasure to serve with both Don and Bill, while observing their wisdom and application of professional judgment. Thanks to both of these men, who are excellent examples and models for all engineers and land surveyors.

Each Alabama licensee has laws, standards of practice, codes and other guidelines, which must be followed in their practice of engineering and land surveying. The Code of Ethics is a primary condition for our conduct and business operation. However, there are several volunteer areas that each of us should take part in to enhance the value and perception of our profession. I hope each of you are taking an active role in a technical professional society, working with civic groups, promoting your profession to other business associates, encouraging other engineers and land surveyors to become licensed as a professional, mentoring younger interns, speaking to student groups at area schools, providing guidance to students at our universities, and being a positive representative as a professional to the general public. We are all in this together and we need to put something back to the industry and field of our practice. Thanks for being a positive influence and example to those around you.

One of the joys of being Chair of the Board of Licensure is being able to sign the PE and PLS certificates for the new Alabama licensees. That is a happy task, as I see practitioners in our fields take a very positive step in their professional development. There are other tasks that are not fun and I do not enjoy performing them as the chair. Unfortunately, there are those licensed individuals (and some non-licensed), who do not play by the rules and regulations. This results in disciplinary actions and these are necessary to maintain our responsibility to protect people. As a licensed professional, you have an obligation to follow the laws, but you should also be aware of others in your field, who may be breaking the rules. There is an official complaint process which you may use to notify the board of unethical conduct, incompetent practice, unlicensed practice, practice outside of the field of license, or other areas that are not sanctioned.

One final note and that is to commend our excellent board staff for the work they do. We are truly blessed with outstanding leadership from our Executive Director, Regina Dinger, and a very competent group of investigators, legal assistants, accountants and administrative assistants, who are most qualified and work hard to make the Alabama Board a shining example of regulatory operation. Thank you Regina, Rick, Bonnie, Joy, and everyone on staff in Montgomery.



## New Board Officers Announced

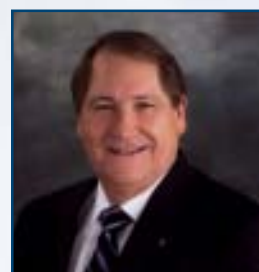
At its July 26-27, 2012 meeting, the Board elected officers for Fiscal Year 2012-2013. The terms of the new officers begin October 1, 2012.



Dr. Daniel S. Turner, PE  
Chair



Phillip E. Santora, PLS/PE  
Vice Chair



Earl R. Foust, PE  
Secretary

---

## New Board Members

In 2012 Governor Robert Bentley appointed Mr. Charles P. Willis and Mr. Marc S. Barter to the Board.

### Charles P. Willis, PE



Mr. Willis holds a BS in Petroleum Engineering from the Colorado School of Mines, Golden, Colorado. He is the President and General Manager of Black Warrior Methane Company, a Natural Gas Company that provides coalbed degasification services for underground coal mines. He is responsible for the coalbed methane degasification program that supports and ensures a safe working environment for three large active underground coal mines and is accountable for the capital and operating budget of a fifteen million dollar company.



### Marc S. Barter, PE, SE, SECB

Mr. Barter holds a BS in Civil Engineering with Structural Concentration from the University of South Alabama. He also completed Graduate Courses in Structural Engineering at the University of Alabama. He is President of Barter and Associates, Inc., a structural engineering firm engaged in structural analysis and design of structures for industry, architects, and owners.

---

## Did You Know....

There are currently **13,709** professional engineers and **1,191** professional land surveyors licensed in the State of Alabama.

The Board has **1,860** engineer interns and **30** land surveyor interns that hold certifications.

There are **2,285** Engineering companies and **441** Land Surveying companies that possess an Alabama Certificate of Authorization.

## Electronic Communication Encouraged

All applicants, licensees and interns are encouraged to communicate electronically with the Board. In an effort to enhance electronic communication, the Board has developed systems whereby ...

- All current licenses and certificates of authorization can be renewed online.
- All pertinent forms can be downloaded from the "Forms and Status" link on our website.
- Changes of address and principal employer can be reported via email.
- Various procedural questions can be answered via email.
- The official newsletter (The Board's Bulletin) can be viewed and downloaded by visiting our website.

If you do not have an email address on file, please consider adding one to your contact information.

## Citizenship Declaration

In 2012 the Alabama Legislature amended the Immigration Law it passed in 2011. Parts of the law are enjoined as they undergo court challenges, and the Alabama Attorney General has issued guidance that instructs agencies not to comply with the enjoined sections at this time.

Two sections of the 2012 Alabama immigration law mandate actions by licensing boards. Section 31-13-7 requires boards to collect declarations from individuals prior to issuing a license. Section 31-13-29 requires boards to collect documentation from the individual supporting their declaration.

Portions of Section 31-13-29 have been challenged and are enjoined. Section 31-13-7 has not been legally challenged, and in order to comply with this section the Board is requiring applicants to sign the following declaration statement on applications:

All individuals applying for licensure or renewal of licensure are required by law (Code of Alabama 1975 § 31-13-1 to 31-13-30) to provide a signed declaration identifying their United States citizenship or alien status.

Individuals submitting license or license renewal applications will be required to declare their citizenship status on the application. One of the following choices must be selected or the application will be denied.

\_\_\_\_\_ I am a United States citizen.

\_\_\_\_\_ I am an alien, legally present in the United States.

\_\_\_\_\_ I am an alien outside the US, but legally authorized to do business in the United States.

---

## CA dba Names

In 2012, the Board learned companies offering engineering or land surveying services in Alabama under a dba (doing business as) name are required to use that dba name when conducting business in Alabama. The Board reviewed its certificate of authorization records for companies operating under a dba name, and notified the companies using a dba name of this requirement. The companies were also informed its dba name would be displayed on the certificate of authorization, on the website and identified in the Board's records.



## Website License Search

The website contains a feature titled “License Search”. This feature allows you to check your continuing education carryover hours, address, the date your license will lapse, and if a company has a Certificate of Authorization. When using license search please be aware of the following:

- \* Updates are not automatic. The system is updated approximately every two weeks.
- \* For the best results, only place search information in one field.
- \* When searching for a company, only enter the first part of the name.
- \* Only the main address of the company is listed. Branch offices are not listed.
- \* Engineering intern certificate numbers may be similar to license numbers. The classification will be engineer intern.

## Board Opinions

Any person substantially affected by any Board rule or statute may petition the Board for a declaratory ruling. The question or request must be related to an actual situation or controversy and must be submitted on a form provided by the Board. Also there are times when the Board will publish a Position Statement with the intent of clarifying an Engineering or Land Surveying issue. The Board was recently asked the question:

Are engineering faculty, that are not licensed as Professional Engineers in Alabama, and do not work under the direct supervision of a licensed Alabama Professional Engineer, in violation of the Code of Alabama when they engage in research activities at Alabama universities?

The Board determined the Code of Alabama and its Administrative Code do not specifically mention “research”, as the practice of engineering. The administrative code indicates that certain research activities may qualify as engineering experience that can be used to meet the requirements for licensure as a professional engineer in Alabama. It was the opinion of the Board that the performance of the activities described in Section 34-11-1(7) must be performed by or under the direct supervision of an Alabama licensed professional engineer. If engineering faculty members perform any of the activities described under Section 34-11-1(7) they must be licensed as a professional engineer, or perform the activity under the direct supervision of an Alabama licensed professional engineer. The Board also stated that the term “engineer” (or any modification or derivative thereof) is a protected title. Use of the term “engineer” within research proposals by faculty members that are not licensed as described in the factual situation could be considered a violation of Alabama Code Section 34-11-2(b). The Board further determined that a faculty member described as a “member of the Electrical Engineering Department of a university or as an “engineering faculty member” is permissible under the statute.

## Quality Based Selection of Engineering and Surveying Services

Federal law, the Code of Alabama and the Alabama Board of Licensure for Professional Engineers and Professional Land Surveyors (Board) require the use of Qualification Based Selection (QBS) procedures for the selection of professional engineers and professional land surveyors for work. Exercise of professional judgment is a key element in the successful practice of these professions, and bidding on work may restrict factors like the time available for job research, thoughtful approaches to job tasks, and consideration of the long term effects of a design or a survey. All of these work against the best interests of the owner. The general intent of QBS is to select the most-qualified firm that will produce the best results. To read more on Quality Based Selection, visit our website under Board Opinions & Declaratory Rulings.

## Remote Supervision

The term “remote supervision” as defined in the context of a licensing board has several applications. It can be used to describe the supervision of a branch office, it can be used to describe an arrangement whereby documents are prepared by one engineer and reviewed and sealed by another engineer, and it can also be used to classify the supervision of unlicensed individuals applying for licensure. Modern technology is forcing a new approach to evaluating these situations. The question is can a licensing board rely on the effectiveness of technology to allow remote supervision?



Marc S. Barter, PE, SE, SECB

Since we can apply the term to three separate but related situations, we need to explore the Board’s view of each as it relates to engineering. Land surveying has similar requirements but, for the sake of simplicity, we will address the issue from an engineering perspective.

According to Alabama law, every branch office or location where engineering is offered as a service must have a licensed professional engineer in residence. Many branch offices have only one or two licensed engineers in residence, but the office may actually provide services outside the discipline of the resident engineer(s) through the work of unlicensed engineers who are supervised remotely. While this is not an ideal situation, it is allowed under Alabama law. Of course, all work produced must be sealed by a licensed engineer who is responsible for it, but that person is not required to be located within the branch office.

The second example of remote supervision involves the sealing of documents prepared by one engineer and reviewed and sealed by another engineer who is not in the same location or does not work for the same company. A typical example would be an engineer not licensed in Alabama who prepares a design for construction in Alabama. In lieu of obtaining licensure in Alabama, he contracts with an Alabama licensed engineer to review and seal the work. Is this allowed under Alabama law? Yes, however with the following caveat. The engineer whose seal is on the drawings must have authority over and involvement in the preparation of the documents and for good reason.

In 2009 the Alabama Board of Licensure issued an opinion, which can be found on its web site, which allows for remote supervision and the sealing of documents, provided the client can reasonably infer that the licensed engineer was in charge of the document preparation and had full control over them including the authority and ability to change the documents. However, when documents are prepared by one person and sealed by another, a fine line develops between responsible charge and plan stamping. Plan stamping is a euphemism for selling one’s stamp versus the stamp being used to signify that an engineering service was provided.

One need not have much of an imagination to see how this arrangement can be abused, especially with the current trend towards off-shoring. Someone outside the United States who does not hold an Alabama license is contracted with to prepare engineering documents for use in the United States, and specifically in Alabama. The question to the licensee from the original purchaser of the engineering services becomes “How much to seal the documents”? In a perfect world, the answer is “I will seal the documents for free, but will be charging for the engineering”. However, we don’t live in a perfect world; far from it, and in this economy the temptation to make a fast buck might be too great to pass up.

The third and final example of remote supervision is the practice of licensed engineers attesting to the qualifications of unlicensed engineers with whom they have had no geographic association and only cursory professional association. Example: an engineer applies for licensure and uses a licensee as a reference who resides in a city hundreds or even thousands of miles away. The knowledge of the applicant’s capabilities is determined through an electronic relationship; email, review via a common computer server or some other means of communication other than personal contact. The question to the Board is whether



or not this can, or should, be considered adequate for determining the suitability of the applicant to be licensed?

One policy doesn't fit all situations. In a structural engineering office, face to face personal interaction is necessary to assess someone's capabilities. Computer printouts, structural models, drawing files and the like do not provide an adequate assessment of a person's capabilities. If I am going to sign a reference form and attest that someone is qualified to be given a license to practice, I want to know that I am correct in my assessment of their capabilities, and I don't think I can make that judgment without the personal interaction.

In some disciplines and practices, this may not be the case and personal contact may not be necessary. An example would be an engineer whose job it is to write and troubleshoot software. That individual could be located in a facility remote from his or her supervisor, maybe in a client's facility. That individual's boss may be able to assess readiness for licensure remotely. If the true performance of an engineer can be measured via computer, as in the case of a software engineer, then remote supervision might be acceptable.

A situation similar to the above develops when an engineer works for a company that employs very few licensed engineers, if any, and furnishes the design and installation of systems. This is common place in industrial settings. Control systems, mechanical systems, equipment assemblies, and the like are often purchased as an item with vendor installation. These installations are actually projects within themselves and require a considerable engineering effort. Without some form of remote supervision being allowed, engineers working in this environment would be at a disadvantage when it came to licensing though their experience might be excellent. Their best reference may actually come from their customer, who could be located thousands of miles away.

It's a systemic problem within certain industries and, therefore it's a problem for licensing boards. If it is important to the profession that engineers are licensed, then it's important that this gentleman and others like him be provided with an avenue to licensure that is reasonable, given the situation. The solution may have to be an unorthodox approach by today's rules; but one that still serves the public interest. A rethinking of remote supervision may be the answer.

Alabama licensing rules allow for such situations; but, even so, the Board rules rely heavily on the participation of the reference. The experience of the applicant can be counted if the reference submits a *Background Information on Endorser* form, to determine if the reference would be eligible for licensure, had they applied during the time the applicant worked under their supervision. There are also avenues under the Alabama rules that, if approved by the Board in advance, allow for the individual to have an agreement with a PE colleague to review their experience and attest to it. In some cases, even these accommodations might be inadequate, especially within some companies and some disciplines.

The Board is struggling with the need to regulate a profession that's evolving and still license more engineers in more industries. Rules that served it well in the past may not be applicable in the future. We must accept, if not embrace, means and methods relevant to the way engineering is practiced today, regardless of how it was practiced 25 years ago. Under certain circumstances we can use modern technology to the advantage of both the licensee and the public. The challenge lies in determining when remote supervision can be allowed and when it cannot.

---

## Administrative Code Changes

On July 27, 2012 several revisions to the Administrative Code of the Board became effective. The sections revised are listed with a brief explanation of the change and the updated Administrative Code is available on the website under Law and Administrative Code.

### **Section 330-X-1**

Language updated and notice required for board meetings updated.

### **Section 330-X-2**

Definitions updated. Definitions of “responsible charge” and “principal officer” clarified.

### **Section 330-X-3**

The requirement for examination fee to accompany application was deleted. Specifies that applicant is responsible for paying for the foreign transcript evaluation. Clarifies what is a deferred and denied application.

### **Section 330-X-4 and Appendix A**

Examination fees for national exams are payable directly to NCEES. Reference to the exam fees for the national exams removed from Appendix A.

### **Section 330-X-5**

Included references to ABET accredited master’s degrees, unaccredited engineering degrees.

### **Section 330-X-6**

Clarified how experience can be earned. Expanded on how co-op and part time experience can be accrued.

### **Section 330-X-7**

Identifies that references should have knowledge of the applicant’s experience, ability, character, and reputation. Deleted sentences that identified that it was preferred to have all references that are licensed PE’s/PLS’s.

### **Section 330-X-8**

Deletes reference to the specific number of hours for an examination. A no show at an exam does not constitute a failure. National exam fees are established by NCEES.

### **Section 330-X-9**

Do not license by discipline but should only practice in those areas in which they are competent. Discipline of exam taken is public record. Repealed section that referenced a multiple discipline form to be completed and sent to the Board.

### **Section 330-X-11**

Changes references of “direct control and supervision” to “responsible charge”. Adds requirement that seal and signature will be placed on all original copies so that the seal and signature will be reproduced when copies are made.

### **Section 330-X-12**

Allows Board to extend expiration date of an interim permit



**Section 330-X-13**

Updates renewal process. Adds how continuing education hours can be claimed. Adds methods of obtaining continuing education and the maximum allowed in the new categories.

**Section 330-X-14**

Adds items to the Code of Ethics. Licensee's foremost responsibility is to protect the public. Deletes specific references to codes and standards by identifying they must practice according to laws in effect where they are practicing. Licensee must notify Board of possible violations and cooperate with the investigations.

**Section 330-X-15**

Failure of firm to notify the Board of changes in the CA could result in temporary suspension of CA. Adds procedures to be used for the hearing of a denied CA application.

**Section 330-X-16**

Moved procedures to be used in investigation the overlap of geology and engineering from deleted section in Section 330-X-9. Adds procedures for the reissuance of a surrendered license.

---

**Top Ten Mistakes Made By Licensees**

10. Fail to truthfully respond to questions on applications and renewals.
9. Provide services when license is lapsed, or company does not have a certificate of authorization.
8. Fail to respond to Board requests in a timely manner.
7. Fail to restrict practice to area of competence.
6. Seal documents not prepared under direct supervision.
5. Fail to provide adequate responsible charge.
4. Fail to notify the Board within 30 days of a change in the company responsible charge principal.
3. Misrepresent the number of continuing education hours earned, or fail to maintain documentation of the earned continuing education activities for four years.
2. Fail to notify the Board of address changes within 30 days.
1. Fail to adequately communicate with clients, which then prompts clients to file complaints.

---

**Special Thanks**

The Board wishes to thank the Professional Engineers and Professional Land Surveyors who serve and have served as Technical Advisors to the Board. These individuals generously give their time and expertise and the Board appreciates their assistance and commitment to the professions of engineering and land surveying.

## Individual License and Certificate of Authorization Renewals

**Renewal Notifications & Licensee Responsibility...** Each year the Board sends out thousands of individual and company renewal notices. In accordance with the Code of Alabama, 1975, Title 34, Chapter 11 § 34-11-8(a), the Board sends these notices “to the last address of the licensee recorded by the executive director of the board at least one month in advance of the renewal deadline.” Each renewal period we discover that licensees did not receive their renewal notices because they had not advised the Board office of an address change. Change of individual or company addresses can be reported by clicking the “Change of Address” link found in the “Forms & Status” section of our website.

**Avoid the Reinstatement Fees...** While the Board makes every effort to notify individuals and companies of their upcoming renewal deadline, it remains the licensees’ responsibility to insure their individual license or company certificate is renewed on time. A \$250 reinstatement fee applies to individuals and companies who fail to renew on time. The renewal deadlines are: December 31st for licensees and interns, and January 31st for company Certificates of Authorization. **The Board will not waive the reinstatement fee.**

### 2012 CPC Audit Information

Each year, the Board conducts an audit of randomly selected renewals for compliance with its continuing professional competency requirements. Licensees are required to earn a minimum of 15 professional development hours (PDH) per year in order to maintain, improve, or expand their skills and knowledge.

This year, 629 licensees were randomly selected for audit of their earned continuing professional competency credits for their 2012 license renewal. On March 21, 2012 individuals with an email address were sent an audit notification letter via email and instructed to respond prior to April 21, 2012 with the required documentation. Licensees without an email address were notified via regular mail.

### Website Continuing Education Activity Log

The Continuing Education Activity Log located on our website allows you to enter continuing education activities to your record once you’ve completed them. This information is available to you at all times and is automatically included with your continuing education activity information during the online license renewal process.

### Social Security Number Information

Previously the Board was required by law to require a social security number on original and renewal applications. In 2012 the Alabama legislature removed the requirement to collect social security numbers on renewal applications. Beginning with the 2013 license renewal cycle you will not be required to provide your social security number on license renewal applications.

### Citizenship Declaration

The 2012 license renewal application will require licensees to declare their citizenship status. Information concerning the citizenship declaration is located in the Board News section.

### Request for Receipts

If you need a receipt for fees paid to the Board, please contact Shawndala Harrison at 334-242-5094 or email [shawndala.harrison@bels.alabama.gov](mailto:shawndala.harrison@bels.alabama.gov).



## Upcoming Exams & Filing Dates

Examination	Exam Date	Filing Deadline
Fundamentals of Engineering	04/13/13 10/26/13	01/15/13 07/01/13
Fundamentals of Land Surveying	04/13/13 10/26/13	01/15/13 07/01/13
Principles & Practices of Engineering	04/12/13 10/25/13	01/15/13 07/01/13
Principals & Practices of Land Surveying	04/12/13 10/25/13	01/15/13 07/01/13
Alabama Land Surveying Standards History & Law	04/12/13 10/25/13	01/15/13 07/01/13
SE Vertical Forces	04/13/13 10/26/13	01/15/13 07/01/13
SE Lateral Forces	04/12/13 10/25/13	01/15/13 07/01/13

## Computer Based Testing (CBT) for FE & FS Exams

The National Council for Examiners of Engineers and Surveyors (NCEES) has begun the process of converting the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to a computer based format. This transition will allow greater scheduling flexibility for examinees, more uniformity in testing conditions, and enhanced security for exam content.

The exams will be administered by Pearson VUE and delivered through their owned-and-operated network of Pearson Professional Centers, as well as other select locations as determined by NCEES.

Currently, the plan is for the FE and FS exams to be offered in a paper-and-pencil format for the last time in October 2013. The computer-based exams will be offered in early 2014. The PE and PS exams, which engineering and surveying candidates are required to take after completing work experience requirements, will continue to be paper-and-pencil exams.

NCEES has introduced an online information center explaining the latest developments as the FE and FS exams are moved to computer-based testing. Visit [www.ncees.org/cbt](http://www.ncees.org/cbt) and get the latest news and announcements and find answers to frequently asked questions.

## On Campus FE Registration

The Board has been visiting the campus' of the University of South Alabama, Auburn University, University of Alabama, University of Alabama at Birmingham and the University of Alabama in Huntsville to provide On Campus Registration for the FE exam. The filing deadlines occur when most students are out of school for the summer or just returning to campus. Benefits of onsite registration for the students is peace of mind knowing the application has been submitted and approved, direct access to the board staff for answers to any questions about the application & exam process, notary present for notarizing the application and no postage or overnight fees. The on campus registration has been successful and we wish to thank the schools for their hospitality.

## PE Industrial Exam Changes

Following the October 2012 administration of its PE Industrial exam, NCEES is moving the exam to an April administration. The first offering of the exam with this new schedule will be in April 2013.

When the exam is offered in April 2013, it will also have new specifications, which indicate the knowledge areas to be tested and their relative weights of emphasis. The new specifications are available online at [www.ncees.org](http://www.ncees.org) and updated study materials will be published in October 2012.

## NCEES announces changes to FE exam, effective January 2014

The current specifications for the Fundamentals of Engineering (FE) exam will change in January 2014 in conjunction with the exam's transition to computer-based testing (CBT). At that time, the FE exam will be seven freestanding, discipline-specific exams: Chemical, Civil, Electrical and Computer, Environmental, Industrial, Mechanical, and Other Disciplines. NCEES has posted the major domains for these exams online, and the complete specifications will be available in 2013.

## NCEES Exam Registration Instructions

Once your application is approved by the Board, your approval letter will contain your Alabama Candidate ID number and instructions for completing the exam registration process with the National Council for Examiners of Engineers and Surveyors (NCEES). The NCEES exam registration process includes:

Creating an account on NCEES' website, entering your contact information, Alabama candidate ID number, select your exam, exam discipline (FE & PE only), location and pay the exam fee.

Approximately 2 weeks prior to the exam, NCEES will send an email instructing you to access your account and download your admission notice for the exam. If you have problems creating or accessing your account or you have questions about your NCEES account, contact NCEES at (877) 536-7729.

## New Exam Fee Procedures

The procedures have changed for submitting exams fees. Exam fees were submitted to the board and the board paid NCEES for the exams on the exam candidates behalf. All FE, PE, SE, FS, PS exam candidates will now pay the exam fee directly to NCEES by credit card when registering for the exam. The only exam fee the board will be collecting is for the Alabama State Specific Land Surveying exam. If for some reason the exam candidate cannot attend the exam, any request for a refund of a fee paid to NCEES must follow their refund procedures.

## New PE Exam in Software Engineering

NCEES is preparing to launch its latest Principles and Practice of Engineering exam, which will be used by engineering licensing boards across the United States. NCEES will begin offering a PE exam in software engineering in April 2013. After that, the exam will be administered yearly.

Partnering with NCEES as co-sponsor of the exam is IEEE-USA, assisted by the IEEE Computer Society, the National Society of Professional Engineers, and the Texas Board of Professional Engineers.

For more information on the PE Software exam, visit [www.ncees.org/exams](http://www.ncees.org/exams). Registration for the April 2013 exam administration is scheduled to open mid-December 2012. The exam specifications-the test blueprint of knowledge areas to be tested and their relative weights of emphasis-are available online at [ncees.org/exams](http://ncees.org/exams). IEEE is planning to publish study materials for the exam later this year.



## Alabama PE Exam Pass Rates (By Discipline)

Discipline	# Taken Oct 2011 Exam	Pass Rate Oct 2011 Exam	# Taken April 2012 Exam	Pass Rate April 2012 Exam
Agricultural	1	0%	None	NA
Chemical	6	67%	5	20%
Civil	130	48%	139	58%
Control Systems	9	63%	None	NA
Electrical	19	37%	22	41%
Environmental	12	50%	14	64%
Fire Protection	1	0%	None	NA
Mechanical	30	57%	30	47%
Metallurgical	3	33%	None	NA
Mining	1	100%	None	NA
Naval Architecture	None	NA	2	0%
Petroleum	1	100%	None	NA
Structural Lateral	10	30%	5	20%
Structural Vertical	8	13%	9	22%

Below are the pass rates for Alabama. Go to [ncees.org](http://ncees.org) under Exams and then under FE, FS, PE, PS, SE to see the National pass rates.

## Alabama Engineering Exam Pass Rates

Oct 2011 FE Exam # Taking % Passing	April 2012 FE Exam # Taking % Passing	Oct 2011 PE Exam # Taking % Passing	April 2012 PE Exam # Taking % Passing
373 62%	515 55%	231 47%	226 51%

## Alabama Land Surveying Exam Pass Rates

Oct 2011 FLS Exam # Taking % Passing	April 2012 FLS Exam # Taking % Passing	Oct 2011 PLS Exam # Taking % Passing	April 2012 PLS Exam # Taking % Passing
16 31%	14 7%	13 15%	16 63%

## Did You Know....

The word engineering is derived from the Latin word *ingeniere* which means ingenious.

In 1906, Alice Perry was the first woman in the world to graduate with a degree in engineering. She received her qualifications from Queens College, Galway (now N.U.I. Galway).

Former Presidents George Washington, Thomas Jefferson & Abraham Lincoln started out as Land Surveyors.

Surveyors helped measure the distance of the earth to the moon within just a couple of feet by using reflector prisms that were placed on the moon by the first men who landed.

## New Alabama State Specific Land Surveying Exam

The Board of Licensure for Professional Engineers and Professional Land Surveyors (Board) is now several steps closer to having a new Alabama State Specific Land Surveyors examination (ALSS). The Board will have the new ALSS exam ready for candidates sitting for the exam in 2013.



C. Michael Arnold, PLS

Board Members Phillip Santora, PLS & PE, Michael Arnold, PLS, and Dr. Daniel Turner, PhD., PE, along with Board Executive Secretary, Ms. Bonnie Kelly, met several times to review the existing questions in the exam data base. All existing exam items were reviewed and removed if they were no longer applicable. The group also selected a course of action which included the Board funding the employment of a psychometrician and several workshops.

An agreement was made and a date set with TEST, Inc., Mr. Jack L. Warner, PhD to conduct a workshop and to guide us through the process of improving the quality and fairness of the ALSS examination. Jack came to Montgomery, Alabama, on May 11<sup>th</sup> & 12<sup>th</sup> to meet with our volunteers and conduct the workshop.

The Board had previously asked for volunteers to serve as Subject Matter Experts (SMEs) and a good group of talented, dedicated licensed Land Surveyors stepped forward. We had a good cross section of land surveyor volunteers that included some older folks, some younger Troy University Graduates, several individuals in private practice, several from large companies and Government agencies and educators. The volunteers came from all parts of the State. We had about 20 surveyor volunteers in all, and 16 were able to attend the workshop. Half of the volunteers were members of ASPLS (Alabama Society of Professional Land Surveyors) and half not. In all, a great group of SMEs!

Jack and the SMEs reviewed the principles for developing good test questions. They also developed a new Test Blue Print for the exam by weighting the topic areas based on their relative importance to public protection. The group of SMEs then developed and reviewed new items for inclusion into the Exam Item Bank. After some deliberation the SMEs elected to change the test to a 60 item test. The test items were evaluated to ensure they meet several criteria - including: Does the item relate to public protection? Is the item "entry-level" difficulty? Is there only one correct answer? Is the item clear and direct? Does the stem of the question adequately describe the problem or situation? and other criteria.

The Board ALSS test committee has requested ASPLS to assist the Board as work continues on the new examination. We need 12 to 20 licensed land surveyors to take the exam and evaluate the questions on an "item by item" basis to establish a cut-off score. The "cut" score will be keyed to valid measures of minimum competency and the difficulty level of the individual items as evaluated by the SMEs. We may also need to find a separate group of licensed Land Surveyors (different from the first group), to help establish statistical properties of the exam items and to flag items that are unusually difficult. Our plan is to have this workshop in conjunction with the ASPLS Fall Conference in October. We thank the ASPLS Executive Director, Jennifer Sellers, and the members of the ASPLS for their support with this effort.

The end result will be a good and fair measure of the minimum competency of a land surveyor candidate related to State Specific topics. The goal is to have 5 separate tests with 60 test items each.

---

The ALSS Exam was given four times in fiscal year 2011-2012: October, February, April and August. Twenty eight individuals sat for the exam, seventeen passed for a 72% pass rate.



**FY 2011-12 Complaints & Investigation Information (As of September 4, 2012)**

**Total Complaints Received: 38**

**Professional Engineer (14)**

Competency (5)  
Unethical Conduct (9)

**Professional Land Surveyor (11)**

Competency (4)  
Unethical Conduct (7)

**Un-licensed Engineering (11)**  
**Un-licensed Surveying (2)**

**Total Investigations Closed: 41**

**Formal Disciplinary Action (16)**

Consent Order (12)  
Hearing Order (4)

**Informal Disciplinary Action (16)**

Letter of Caution (10)  
Letter of Reprimand (6)

**No Action Taken (9)**

The Board conducts investigations of complaints that result in findings of no violation and informal or formal enforcement action. Informal enforcement actions are not public record and include closing the investigation with the issuance of letters of caution or reprimand. Formal enforcement actions are public record and may include a fine, probation, license suspension or revocation or the requirement to attend formal training. A copy of the order regarding a formal enforcement action can be obtained from the Board's website under the link "Complaints and Enforcement Actions."

**NO ACTION TAKEN**

**Complaints were received alleging ...**

a Professional Land Surveyor provided a judicial survey of property which contained errors and misrepresented the true boundary line of the property when testifying under oath.

a second Professional Land Surveyor provided a judicial survey of property which contained errors and misrepresented the true boundary line of the property when testifying under oath.

an Un-certificated insurance risk management firm marketed services relative to Flood Zone Map Revision and attempted to supplant other firms. The complaint further alleged a portion of the services must be performed by a licensed professional engineer and the un-certificated firm did not employ a licensed Alabama professional engineer and had not obtained a certificate of authorization for engineering.

an Engineering firm submitted design drawings and specifications for a project that contained errors and violated the standards of practice for engineering in Alabama.

a Professional Engineer submitted design drawings and specifications for a project that contained errors and violated the standards of practice for engineering in Alabama.

a Professional Engineer submitted design drawings and specifications for a project that contained errors and violated the standards of practice for engineering in Alabama.

an Engineering firm failed to properly identify the use of sub-consultants, and over-charged its client for the services provided.

*Continued on next page*

*No Action Taken (Continued)*

**Complaints were received alleging ...**

a Professional Land Surveyor provided a survey that contained errors and resulted in civil litigation regarding the property boundary lines.

a Professional Land Surveyor appeared before a Public Works Committee on behalf of a private entity and represented himself as a professional engineer.

**INFORMAL ENFORCEMENT ACTION**

**Letters of Caution (10)**

**Complaints were received alleging...**

an Un-certificated firm was offering engineering services without employing an Alabama licensed professional engineer and obtaining a Certificate of Authorization for engineering from the Board.

an Un-certificated firm was providing or offering to provide engineering services in Alabama, and using the term "Engineering" in its title without employing a resident Alabama licensed professional engineer and obtaining a certificate of authorization for engineering from the Board.

an Association included the title "Engineer" in a certification awarded to individuals working in the State of Alabama which gave the appearance the individuals may be licensed to practice engineering in the State of Alabama.

a Professional Land Surveyor submitted a plat of properties to an attorney relative to civil litigation that did not comply with the standards of practice for land surveying in the State of Alabama.

an Un-certificated firm was offering engineering services without employing an Alabama licensed professional engineer and obtaining a Certificate of Authorization for engineering from the Board.

a Professional Engineer issued a certification relative to Net-Free air flow for certain Flood Vents using calculations which may have been misleading and contained errors.

a Professional Engineer, also licensed in Alabama, surrendered his professional engineer license in a jurisdiction which permanently barred him from reissuance of that license.

a Professional Land Surveyor provided surveys that contained errors and moved property boundary monumentation.

a Professional Engineer, also licensed in Alabama, was disciplined by another jurisdiction for failure to pay a professional privilege tax. The action caused the license to be suspended in that jurisdiction.

an Un-licensed individual and his un-certificated company were practicing or offering to practice engineering in Alabama without employing an Alabama licensed professional engineer or obtaining a certificate of authorization for engineering from the Board.

**Letters of Reprimand (6)**

**Complaints were received alleging ...**

a Professional Land Surveyor performed a survey which contained errors and violations of the standards of practice for land surveyors in the State of Alabama. The complaint further alleged the errors contained in the survey resulted in a property boundary dispute and civil action.

*Continued on next page*



**Complaints were received alleging...**

a Professional Engineer indicated on his 2011 license renewal application he had obtained the required 15 professional development hours required to renew his license. The professional engineer was informed by an email dated March 10, 2011, and notification letters dated May 4, 2011 and June 23, 2011, his 2011 renewal application had been selected at random for verification of his earned continuing professional competency credits. The professional engineer provided documentation indicating he had obtained the required 15 PDH to renew his license for 2011 on August 23, 2011.

a Professional Land Surveyor entered private property at the request of a third party and performed surveying services without obtaining prior permission from the property owners. The complaint also alleged the professional land surveyor performed subdivision property surveys that did not properly represent the properties to closing agents, seller or buyers.

a Professional Engineer prepared an environmental report relative to commercial property during a time that his Alabama professional engineer license was in lapsed status, and provided a resume with the report which indicated he is a professional engineer during the time his Alabama professional engineer license was in lapsed status.

a Professional Land Surveyor placed boundary marker stakes upon the property, provided a survey that differed from the original property boundary lines, and failed to provide an explanation for the changes.

a Professional Land Surveying firm entered into contracts and provided or offered to provide land surveying services to Alabama counties prior to obtaining a certificate of authorization for land surveying from the Board.

**FORMAL ENFORCEMENT ACTION****Case 2011-23-B****Frank H. Garcia, PE 19846**

On December 2, 2010 Board issued a final order relative to an agreed upon consent order that required Mr. Garcia to pay a \$1500 fine to the Board, to serve 6 months probation and the Consent Order and Final Order to become public record.

**Case 2011-24-B & 2011-49-B****Glen A. McCord, PE & PLS 20694**

On January 31, 2012 the Board issued a final order relative to an agreed upon consent order that required Mr. McCord to serve 2 years probation, to pay the Board a \$2,000 fine, to complete the Ethics for Surveyors Course provided by New Mexico State University within 6 months of date of Final Order and the Consent Order and Final Order to be a public record.

**Case 2011-30-C****Engineered Plastics of Alabama, Un-certificated**

On February 14, 2012 the Board's Investigative Committee presented evidence from its investigation at a hearing before an Administrative Law Judge (ALJ). No representative of Engineered Plastics of Alabama attended the hearing. After review of the hearing documents and the recommendations from the administrative law judge the Board issued an order that incorporated the recommendations of the ALJ. The order required Engineered Plastics of Alabama to cease and desist use of the word "Engineered" in its business name, to cease and desist the offering of engineering services via its website, and to pay the Board \$1,116.25 for the costs of the proceedings.

**Case 2011-32-C**

**Engineered Maintenance Services, Un-certificated**

On October 25, 2011 the Board's Investigative Committee presented evidence from its investigation at a hearing before an Administrative Law Judge (ALJ). Mr. James Trapane, Owner of Engineered Maintenance Services attended the hearing. After review of the hearing documents and the recommendations from the administrative law judge the Board issued an order that incorporated the recommendations of the ALJ. The order required Engineered Maintenance Services to cease and desist use of the word "Engineered" in its business name, to provide the Board documentary proof it had removed the term "engineered" from its business name and advertising, and to pay the Board \$1,680 for the costs of the proceedings.

**Case 2011-38-B**

**Randy R. Arp, PE 24556**

On June 19, 2012 the Board issued a final order relative to an agreed upon consent order that required the professional engineer license of Mr. Arp to be suspended (with that suspension stayed) for a period of two 2 years commencing immediately upon the date of the Final Order. The stayed suspension period allows him to continue to offer and practice engineering in Alabama in compliance with the terms of the Consent Order. He must complete the ten professional development hour course in Engineering Ethics provided by the Murdough Center of Texas Tech University within 6 months, he must pay the Board a fine of \$2,000, he must submit a list of clients to the Board each month for 12 months commencing thirty days from date of Final Order. One client's name will be selected and Mr. Arp must provide a copy of the design drawings prepared for that client to the Board office to be reviewed for compliance with the standards of practice for engineering and the Consent Order and Final Order are a public record.

**Case 2011-43-B**

**Thomas McKay Britt, PLS 29397**

On February 14, 2012 the Board's Investigative Committee presented evidence from its investigation at a hearing before an Administrative Law Judge (ALJ). On March 15-16, 2012, after deliberation, the Board agreed with the ALJ's Findings of Facts and Conclusions of Law but modified her conclusions and recommendations and issued an Order that required the following; Mr. Britt's professional land surveyor license was removed from suspended status and placed in lapsed status. He must pay the Board a fine of \$750, and \$828.75 for the cost of hearing. His professional land surveyor license will remain in lapsed status until he complies with the Final Order and meets all the requirements of reinstatement.

**Case 2011-44-B**

**Robert Lawrence Watts, PE 13915**

On January 31, 2012 the Board issued a final order relative to an agreed upon consent order that required Mr. Watts to serve 2 years probation, to pay a \$1,000 fine to the Board, to be subject to the continuing professional competency audit twice within the next seven years, his license would remain in suspended status until he provides documentation supporting obtaining 15 professional development hours, and the Consent Order and Final Order would be a public record.

**Case 2011-47-C**

**Partner Engineering & Science, Inc Un-certificated**

On January 31, 2012 the Board issued a final order relative to an agreed upon consent order that required Partner Engineering & Science Inc, to remove the term "Engineering" from its name within 90 days, to cease and desist use of the title "Engineering" (or any modification thereof) in Alabama until such time it employs an Alabama licensed professional engineer and obtains a Certificate of Authorization for engineering from the Board, to pay a \$1,000 civil penalty to the General Fund of Alabama and to pay the Board \$219.99 for the cost associated with the investigation.



**Case 2012-02-C****Michael Tomme, un-licensed**

On March 16, 2012 the Board issued a final order relative to an agreed upon consent order that required Mr. Tomme to cease and desist use of the title engineer until he obtains a professional engineer license, to cease and desist use of the title engineering in his firm's name until he obtains an Alabama professional engineer license and a Certificate of Authorization for engineering, to pay a \$1000 civil penalty to the General Fund of the State of Alabama, to pay the Board \$161.35 for the cost associated with the investigation and the Consent Order and Final Order would be a public record.

**Case 2012-06-B****Victor Schumer, PLS 18393**

On March 16, 2012 the Board issued a final order relative to an agreed upon consent order that required Mr. Schumer to immediately surrender his Alabama professional land surveyor license immediately, to not seek reissuance of his license to practice land surveying in the State of Alabama and the Consent Order and Final Order would be a public record.

**Case 2012-07-B****Timothy Frazier, PE 28807**

On March 16, 2012 the Board issued a final order relative to an agreed upon consent order that required the professional engineer license of Mr. Frazier to be immediately suspended until October 19, 2014, to cease and desist offering or providing engineering services in Alabama, and the Consent Order and Final Order would be a public record.

**Case 2012-08-B****Gerald R. Martin, PLS 13191**

On June 19, 2012 the Board issued a final order relative to an agreed upon consent order that required the Mr. Martin to serve two years un-supervised probation, to pay the Board a fine of \$156.92, to complete the University of New Mexico Ethics for Surveyors course within 6 months and the Consent Order and Final Order to be a public record.

**Case 2012-11-B****Robert A. Walz, PE 24958**

On June 26, 2012 a hearing was held before an Administrative Law Judge and the Board was not present. On July 26, 2012, after review of the hearing transcript and Judge Billingsley's Findings of Facts, Conclusions of Law and Recommendations, the Board determined it agreed with Judge Billingsley's Findings of Facts and Conclusions of Law but would modify the recommendations and issued an Order that required the following; Mr. Walz's professional engineer license was revoked, and he must pay the Board a \$2,500 fine and \$1,000 for the cost of hearing.

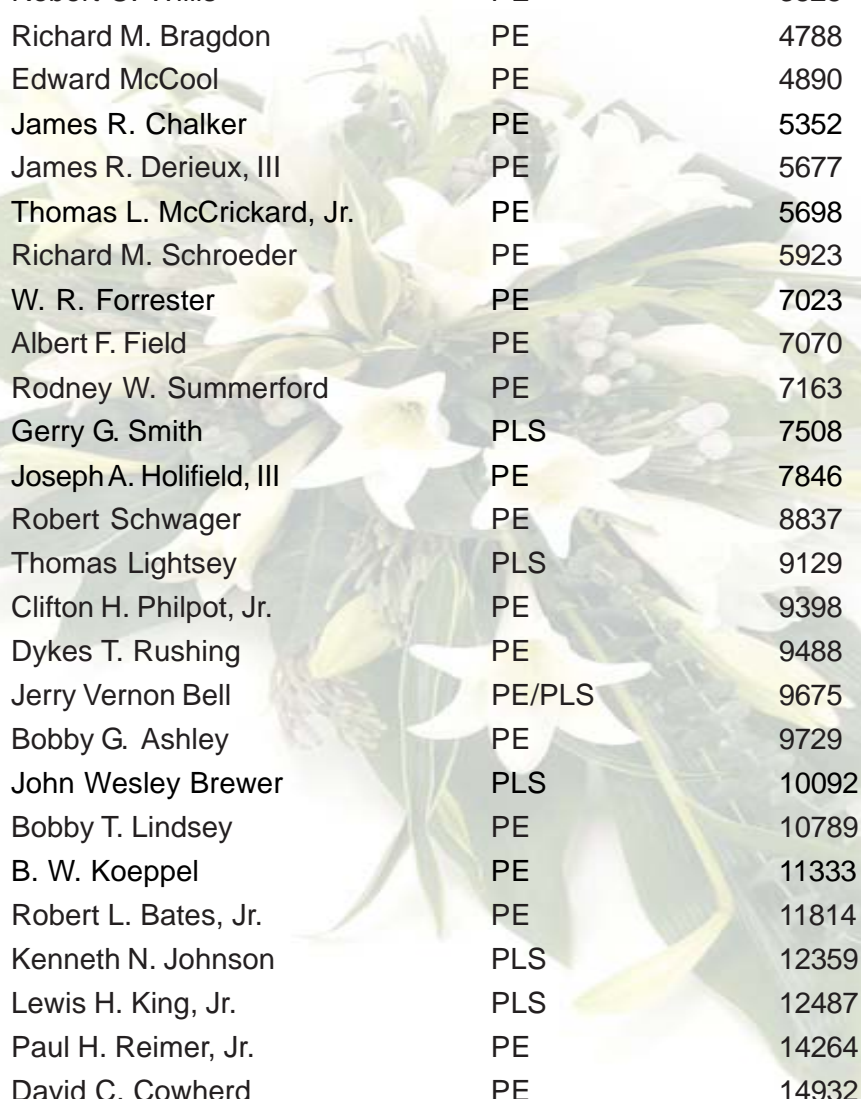
**Case 2012-13-C****Harper Engineering, un-certificated**

On May 17, 2012 the Board issued a final order relative to an agreed upon consent order that required Harper Engineering to cease and desist use of the title "Engineering" (or any modification thereof) in its name until it employs an Alabama professional engineer and obtains a Certificate of Authorization for engineering, to pay a \$500 civil penalty to the General Fund of Alabama, to pay \$175.81 to the Board for the costs associated with the investigation and the Consent Order and Final Order to be a public record.

---

# In Memoriam

The Board expresses its condolences  
to the family and friends of those Professional Engineers  
and Professional Land Surveyors who have passed away this past year.



Cecil R. Williams	PE/PLS	2411
Thomas J. Terrell	PE/PLS	2528
John J. Cowin	PE	2815
Joseph A. Miller, Jr.	PE/PLS	2875
Robert C. Willis	PE	3525
Richard M. Bragdon	PE	4788
Edward McCool	PE	4890
James R. Chalker	PE	5352
James R. Derieux, III	PE	5677
Thomas L. McCrickard, Jr.	PE	5698
Richard M. Schroeder	PE	5923
W. R. Forrester	PE	7023
Albert F. Field	PE	7070
Rodney W. Summerford	PE	7163
Gerry G. Smith	PLS	7508
Joseph A. Holifield, III	PE	7846
Robert Schwager	PE	8837
Thomas Lightsey	PLS	9129
Clifton H. Philpot, Jr.	PE	9398
Dykes T. Rushing	PE	9488
Jerry Vernon Bell	PE/PLS	9675
Bobby G. Ashley	PE	9729
John Wesley Brewer	PLS	10092
Bobby T. Lindsey	PE	10789
B. W. Koeppel	PE	11333
Robert L. Bates, Jr.	PE	11814
Kenneth N. Johnson	PLS	12359
Lewis H. King, Jr.	PLS	12487
Paul H. Reimer, Jr.	PE	14264
David C. Cowherd	PE	14932
Ross Lynn	PLS	17008
George R. Underbill	PE	19113
Lawrence E. Bennett	PE	19177
Gerald M. Kight	PLS	19257
Richard L. Bisgard	PLS	23427
Glen R. Gabriel	PE	32049



## BOARD CONTACT INFORMATION

### ADMINISTRATION

#### Executive Director

Regina A. Dinger  
(334) 242-5021  
regina.dinger@bels.alabama.gov

#### Asst Executive Director

William R. "Rick" Huett  
(334) 242-5049  
rick.huett@bels.alabama.gov

#### Executive Secretary

Bonnie Kelly  
(334) 242-5098  
bonnie.kelly@bels.alabama.gov

### INVESTIGATIONS

William R. "Rick" Huett  
(334) 242-5049  
rick.huett@bels.alabama.gov

Bob Herbert  
(334) 242-5089  
robert.herbert@bels.alabama.gov

### CONTINUING EDUCATION

William R. "Rick" Huett  
(334) 242-5049  
rick.huett@bels.alabama.gov

### LEGAL RESEARCH

Joy Whatley  
(334) 353-4794  
joy.whatley@bels.alabama.gov

### PE/LS APPLICATIONS & EXAMS

Bonnie Kelly  
(334) 242-5098  
bonnie.kelly@bels.alabama.gov

### FE (EI) APPLICATIONS & EXAMS

Candy Moore  
(334) 242-5085  
candy.moore@bels.alabama.gov

### LICENSE VERIFICATION REQUESTS

Joy Whatley  
(334) 353-4794  
joy.whatley@bels.alabama.gov

### REINSTATEMENTS (PE/PLS)

Joy Whatley  
(334) 353-4794  
joy.whatley@bels.alabama.gov

### CERTIFICATES OF AUTHORIZATION

Candy Moore  
(334) 242-5085  
candy.moore@bels.alabama.gov

### STAFF ACCOUNTANT

Shawndala Harrison  
(334) 242-5094  
shawndala.harrison@bels.alabama.gov

### CUSTOMER SERVICE

Rose Stokes  
(334) 242-5568  
rose.stokes@bels.alabama.gov

Office Hours 7:30 - 4:30  
Telephone Numbers

Toll Free: (866) 461-7640  
Main: (334) 242-5568  
Fax: (334) 242-5105

<http://www.bels.alabama.gov>

### MAILING ADDRESS

PO Box 304451  
Montgomery, Alabama 36130-4451

### FEDEX OR UPS

The RSA Union Building  
100 N. Union Street #382  
Montgomery, Alabama 36104-3762